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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,903	10/19/2000	Hing Fai Freeman Fung		7668

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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,903

Applicant(s)

FUNG, HING FAI FREEMAN

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 26 - 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The office action of 5-29-03 rejected claims 1, 3 and 5 - 17 as anticipated by Schkedy. Remaining Claims 2, 4 and 18 - 27 were rejected as unpatentable over Schkedy in view of Mintz.

Applicant amendment of 10-10-03 amended the specification and claims 1 - 8 and 27 as well as traversed rejections of Claims 1 - 27. In addition, the applicant's amendment to the specification did cure or clarify the original objection.

Currently, claims 1- 17 and 26 - 27 are pending.

Response to Arguments

Applicant's arguments filed 10-10-03 have been fully considered but they are not persuasive.

0 The applicant argues regarding claims 1, 3, 5 – 17 that Schkedy patented claims 1 and 32 – 34 do not read upon these claims and Shkedy does not conduct purchasing.

The cited claims as does the disclosure (Sections cited below in the current office action rejection) do read on the applicant's claims. For example and in the claim as well as the disclosure, Shkedy does cite a "purchase order" (see at least Col 2, lines 46 – 50), which clearly connotes purchasing.

0 Applicant argues that the obviousness rejection is not proper regarding claims 2, 4 and 18 – 27 is not proper.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the applicant has amended the claims to adjust in order to invalidate the obviousness rejection. However and as the below rejection indicates that it would have been obvious to combine these in order to provide to store survey results, which can be analyzed later to improve the service.

Specification

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms, which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: on page 3, lines 24 – 27, it is not clear to the examiner – as cited in the previous office action the information the applicant is attempting to convey. While the applicant did provide a response in the amendment to

the original objections, the response still did not cure or clarify. Moreover, this section is particularly important as it provides the overall summary and conceptual understanding of the invention. The applicant's choice or possible translation of words and phrases needs to be clear and concise in both this section and the remaining sections of the specification.

Claim Objections

Claims 2, 5, 6 and 7 are objected to because of the following informalities: In the claims, the applicant has multiple steps a.1, a.2, a.3 and a.4.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5 – 17 are rejected under 35 U.S.C. 102(e) as being unpatentable over Shkedy (US 6,260,024 B1).

Regarding Claim 1, Schkedy teaches a Consumer-to-Business method for consolidating consumer powers in activating market economy, comprising the steps of

(a) providing a Consumer-to-Business (C2B) network having a Consumer Information Database (CID) storing all information given by Members regarding to specific needs of product (Abstract, Col 3, lines 39 – 50 and Figures 1 and 2); (b) determining ordered products according to said information provided by said Members (Col 3, lines 39 – 54 and Figure 2A); (c) requesting payments from said Members for said ordered products of said Members (Col 5, lines 61 – 67, Col 6, lines 53 – 63 and Figure 2A); (d) determining and contracting one or more Suppliers as contracted Suppliers (Col 4, lines 48 – 59 and Figures 7 – 10); (e) purchasing said ordered products from one or more of said contracted Suppliers (Col 5, 45 – 48); and (f) delivering said order products from said contracted Suppliers to places designated by said Members respectively (Col 3, lines 65 – 67 and Figure 10).

Regarding Claim 3, Shkedy teaches a Consumer-to-Business method, wherein the step (e) is carried out by a Central Processing Center (CPC) and comprises the steps of

(e. 1) analyzing said purchasing database to determine whether a predetermined quantity of said ordered products is ordered by said Members (Col 3, lines 39 – 57 and Figures 1, 2, 2A); (2.2) locating said contracted Suppliers and negotiating for best terms and specifications of said ordered products (Col 6, lines 19 – 52 and Figures 7 and 8); and (e.3) transferring payment from said Members to said contracted Suppliers respectively (Col 6, lines 53 – 63).

Regarding Claim 5 and related claim 7, Shkedy teaches a Consumer-to-Business method, wherein the step (a.1) further comprises the steps of logging on said network by Consumer (Figure 2A); and (a.2) determining whether said logged on Consumer is a registered Member of said Member (Col 5, lines 61 – 67 and Col 6, lines 1 – 18).

Regarding claim 6 and related claim 8, Shkedy teaches a Consumer-to-Business method, wherein the step (a.3) further comprises the steps of providing a screen of a brief introduction with advertisements along with application form when said logged on Consumer is not a registered Member (Col 13, lines 7 – 19 and Figure 5); and (a.4) assigning an authorization password for said Consumer to register said Consumer as a new registered Member, wherein said Member is capable of entering said C2B network (Col 10, lines 1 – 10 and Col 21, lines 25 - 45). Please note that Shkedy does not specifically address a screen with a brief introduction including advertisements. However, it is well known in the art that the web page would, for this C2B/B2B exchange as with others have included an introduction page, with logo and incorporating advertisements. It would have been obvious to one of ordinary skill in that art at the time of the invention to have provided the methods and system of Schkedy with web page containing an introduction as well advertisements, similar to many ISP's in order to enable the potential new member's to understand the concept and purpose of this exchange as well as advertisements to clearly showcase participants and to enable additional revenue for the exchange.

Regarding claim 9 and related claims 10, 11, 12 and 13, Shkedy teaches a Consumer-to-Business method, wherein said C2B network is an Internet, and said Consumer Information Database is an electronic database provided in a programmed central processing web site (Figures 1 and 2)

Regarding claim 14 and related claim 15, Shkedy teaches a Consumer-to-Business method, wherein said suppliers are manufacturers (Col 27, line 26).

Regarding claim 16 and related claim 17, Shkedy teaches a Consumer-to-Business method, wherein said products include service products (Col 3, line 45).

Claims 2, 4 and 26 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy (US 6,260,024 B1), as applied to claim 1 above and further in view of Mintz (US 6,250,930 B1).

Shkedy substantially discloses and teaches the applicant's invention.

However, Shkedy does not specifically disclose and teach a Consumer-to-Business method, wherein the step (a.1) further comprises the steps of taking part into surveys regarding interests and needs in different products for each of said Members; and (a.2) storing said information provided by said Members into a purchasing database, wherein

said information is analyzed and grouped in difference categories; and wherein the step (e) further comprises the step (e.4) of providing useful ideas and information provided by said Member through continuous surveys, which are conducted by said Central Processing Center during manufacturing of said ordered products, to said contracted Suppliers; and before the step (a), further comprising the steps of collecting market information and reverting said market information and common needs to said Members by said Central Processing Center – as well as wherein the step (d) further comprises a step of providing a list of suggested products in suggested prices of said contracted Suppliers by said Central Processing Center (CPC) as reference for said Members to choose to purchase.

On the other hand and regarding claim 2, Mintz teaches a Consumer-to-Business method, wherein the step (a.1) further comprises the steps of taking part into surveys regarding interests and needs in different products for each of said Members; and (a.2) storing said information provided by said Members into a purchasing database, wherein said information is analyzed and grouped in difference categories (Abstract, Col 3, lines 60 – 63 and Figure 6).

Regarding claim 4, Mintz teaches a Consumer-to-Business method, wherein the step (e) further comprises the step (e.4) of providing useful ideas and information provided by said Member through continuous surveys, which are conducted by said Central

Processing Center during manufacturing of said ordered products, to said contracted Suppliers (Col 4, lines 3 – 12).

Regarding Claim 26, Mintz teaches a Consumer-to-Business method, before the step (a), further comprising the steps of collecting market information and reverting said market information and common needs to said Members by said Central Processing Center (Col 2, lines 60 – 64 and Col 3, lines 1 – 4).

Regarding claim 27, Mintz teaches a Consumer-to-Business method, wherein the step (d) further comprises a step of providing a list of suggested products in suggested prices of said contracted Suppliers by said Central Processing Center (CPC) as reference for said Members to choose to purchase (Col 12, lines 27 – 33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Shkedy with the method of Mintz to enable a Consumer-to-Business method, wherein the step (a.1) further comprises the steps of taking part into surveys regarding interests and needs in different products for each of said Members; and (a.2) storing said information provided by said Members into a purchasing database, wherein said information is analyzed and grouped in difference categories; and wherein the step (e) further comprises the step (e.4) of providing useful ideas and information provided by said Member through continuous surveys, which are conducted by said Central Processing Center during manufacturing of said ordered

products, to said contracted Suppliers; and before the step (a), further comprising the steps of collecting market information and reverting said market information and common needs to said Members by said Central Processing Center – as well as wherein the step (d) further comprises a step of providing a list of suggested products in suggested prices of said contracted Suppliers by said Central Processing Center (CPC) as reference for said Members to choose to purchase – in order to add value to the C2B exchange for both the buyers as well as the supplies by enabling the buyers requirements to be available to suppliers and thereby enhance their current and future product offerings as well as it also provides added value to the buyers too by providing an opportunity to express both current and future needs. In this regard, the satisfaction of both buyers and sellers/suppliers is enhanced through a much broader understanding of buyers needs and the supplier is also provide validated market needs for products, which will lower the cost of doing business by not having to commission individual market survey's - as well as saving cost by not developing and implementing individual buyer's or seller's company exchanges. Therefore, these attributes as described, combined with the enhanced customer satisfaction will increase the liquidity of the exchange and thereby increase the revenue for the exchange operator as well as participants.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 703.308.3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER

A handwritten signature in black ink, appearing to read "Vincent Millin". The signature is written in a cursive, flowing style.

**VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800**